

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA

CLERK'S OFFICE U.S. DIST. COURT
AT CHARLOTTESVILLE, VA
FILED

FEB 02 2007

JOHN F. GORCORAN, CLERK.
BY: *[Signature]*
DEPUTY CLERK

MERCEXCHANGE, L.L.C.,

Plaintiff,

v.

eBAY INC. AND HALF.COM, INC.,

Defendants.

Case No. 2:01-CV-736

(Pending the United States
District Court for the Eastern
District of Virginia)

307mc00004

DECLARATION OF ROBERT W. MCFARLAND IN SUPPORT OF DEFENDANTS
eBAY INC.'S AND HALF.COM, INC'S MOTION TO COMPEL ALFRED WEAVER
TO COMPLY WITH A SUBPOENA DUCES TECUM

I, Robert W. McFarland declare as follows:

1. I am an attorney admitted to practice before this Court. I am an attorney with McGuireWoods LLP, counsel of record for eBay Inc. and Half.com, Inc. in this action. I have personal knowledge of the facts herein and, if called as a witness, could and would testify competently as to their truth.
2. Attached hereto as Exhibit 1 is a true and correct copy of *MercExchange, L.L.C. v. eBay Inc.*, 2006 U.S. Dist. LEXIS 91059 (E.D. Va. Dec. 18, 2006).
3. Attached hereto as Exhibit 2 is a true and correct copy of eBay's Requests for Production to Alfred Weaver, dated January 12, 2007.
4. Attached hereto as Exhibit 3 is a true and correct copy of a letter from Brian J. Ankenbrandt to Gregory N. Stillman discussing meeting and conferring, dated January 26, 2007.
5. Attached hereto as Exhibit 4 is a true and correct copy of a letter from Gregory N. Stillman to Jeffrey G. Randall discussing Hunton & Williams' representation of Alfred Weaver, dated January 19, 2007.
6. Attached hereto as Exhibit 5 is a true and correct copy of Alfred Weaver's Objections to eBay's Subpoena Duces Tecum, dated January 24, 2007.
7. Attached hereto as Exhibit 6 is a true and correct copy of a letter from Jeffrey G. Randall to Gregory N. Stillman giving notice of the instant motion, dated February 1, 2007.
8. Attached hereto as Exhibit 7 is a true and correct copy of *Bariteau v. Krane*, 206 F.R.D. 129 (W.D. Ken. 2001).
9. Attached hereto as Exhibit 8 is a true and correct copy of *Garrett v. Sprint PCS*, 2002 U.S. Dist. LEXIS 1914 (D. Kan. Jan. 31, 2002).
10. Attached hereto as Exhibit 9 is a true and correct copy of *Tunnel v. Ford Motor Co.*, 2006 U.S. Dist. LEXIS 18192 (W. D. Va. Apr. 6, 2006).

11. Attached hereto as Exhibit 10 is a true and correct copy of the stipulated protective order signed by this the United States District Court for the Eastern District of Virginia on March 8, 2002 (Dkt. 26).

12. Attached hereto as Exhibit 11 is a true and correct copy of a letter from Gregory N. Stillman to Jeffrey G. Randall discussing Hunton & Williams' representation of Kenneth Nahan, dated January 19, 2007.

13. Attached hereto as Exhibit 12 is a true and correct copy of a letter from Gregory N. Stillman to Jeffrey G. Randall discussing Hunton & Williams' representation of Altitude Capital Partners, dated January 19, 2007.

14. Attached hereto as Exhibit 13 is a true and correct copy of a letter from Gregory N. Stillman to Jeffrey G. Randall discussing Hunton & Williams' representation of Nordlicht & Hand, dated January 22, 2007.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this Declaration was executed on February 2, 2007, at Norfolk VA.

s/ Robert W. McFarland
Virginia Bar Number: 24021

MERCEXCHANGE, L.L.C.,
Plaintiff,
v.
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Defendants.

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